REMARKS

Claims 1-20 are all the claims presently pending in the application. The specification, Abstract and claims 1-3, 5, and 7-14 are amended to more clearly define the invention and claims 15-20 are added. Claims 1-2 and 5 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicants also note that, notwithstanding any claim amendments herein or later during prosecution, Applicants' intent is to encompass equivalents of all claim elements.

Claims 1-6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nedbal et al. reference in view of the Asano reference and in further view of the Omata reference. Claims 7-9 and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nedbal et al. reference in view of the Asano reference and in further view of the Omata reference and yet in further view of the Arakawa reference.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as recited by, for example, independent claim 1, is directed to a heart cam and damper unit that includes a base member, a rotating member, a heart cam member, and an urging means. The base member has a fixed cylindrical portion and a stopper portion. The rotating member has a movable cylindrical portion which is rotatably assembled to the fixed cylindrical portion with a viscous fluid interposed between the movable cylindrical portion and the fixed cylindrical portion, and a

pinion gear which rotates integrally with the movable cylindrical portion. The heart cam member is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion. The urging means is interposed between the base member and the heart cam member, and is adapted to rotatably urge the heart cam member toward the stopper portion of the base member.

Conventional heart cam and damper devices assemble the heart cam separately from the damper. Therefore, these conventional devices are difficult to assemble because of the plurality of parts. Further, parts management is also a problem because of the high number of components required to assemble these conventional devices.

In stark contrast to these conventional devices, the present invention assembles the heat cam and the damper on the same base member. In this manner, the present invention reduces the number of assembly steps, reduces the number of component parts, and enables the heart cam and damper unit to be made compact and lightweight. (Page 6, lines 3 - 23).

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

The Examiner alleges that claims 8 and 10-14 are indefinite. While Applicants submit that such would be clear to one of ordinary skill in the art to allow them to know the metes and bounds of the invention, taking the present Application as a whole, to speed prosecution claims 8 and 10-14 have been amended in accordance with Examiner Bonck's very helpful suggestions.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. THE PRIOR ART REJECTIONS

A. The Nedbal et al. reference in view of the Asano reference and further in view of the Omata reference

Regarding the rejection of claims 1-6 and 10, the Examiner alleges that the Asano reference would have been combined with the Nedbal et al. reference and further alleges that the Omata reference would have been combined with the Nedbal et al. reference and the Asano reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion. As explained above, these features are important for reducing the number of assembly steps, reducing the number of component parts, and enabling the heart cam and damper unit to be made compact and lightweight.

Indeed, the Examiner does not allege that any of the applied references teaches or suggests a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion. Therefore, the Examiner has failed to provide a *prima facie* case for obviousness.

"All Claim Limitations Must Be Taught or Suggested"

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." (Emphasis original, M.P.E.P. § 2143.03).

Rather, instead of alleging that any of the applied references teach or suggest the feature of a heart cam member being rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion, the Examiner merely alleges that "It would have been obvious to provide such a cam mounted around the fixed cylindrical member." Clearly, this statement does not allege that the above-feature is taught or suggested by the prior art.

Further, the motivation that is alleged by the Examiner to motivate one of ordinary skill in the art to make the alleged modification would merely have motivated one of ordinary skill in the art to provide a latching mechanism to the damper that is disclosed by the Nedbal et al. reference.

The Examiner alleges that it would have been obvious to modify the Nedbal et al. reference based upon the disclosure of the Asano reference and/or the Omata reference "to provide for latching and unlatching of the door."

Such a motivation would merely have motivated one of ordinary skill in the art to provide a latching mechanism for a door which is provided with the damper that is disclosed by the Nedbal et al. reference.

The Examiner's alleged motivation would not have motivated one of ordinary skill in the art to modify the damper that is disclosed by the Nedbal et al. reference to include a heart cam member that is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion.

Moreover, the reference to the Omata reference does not support the Examiner's allegation that it would have been obvious to provide a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion

and the movable cylindrical portion.

The Omata reference does not even teach or suggest a heart cam member, let alone a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion.

Further, Applicants submit that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Nedbal et al. reference is concerned with providing a high torque damper device that is capable of providing variable amounts of torque. (Col. 2, lines 50 - 54).

In stark contrast, the Asano reference is concerned with the completely different and unrelated problem of providing a storing device having a safety function (which prevents opening of a glove box door in the event of a collision and/or sudden application of brakes) without requiring an independent part which is exclusively provided for that purpose. (Col. 3, lines 26 - 32).

One of ordinary skill in the art who was concerned with the problem of providing a high torque damper device that is capable of providing variable amounts of torque as the Nedbal et al. reference is concerned would not have referred to the Asano reference, and vice-versa, because the Asano reference is concerned with the completely different and unrelated problem of providing a storing device having a safety function without requiring an independent part which is exclusively provided for that purpose.

In stark contrast to the Nedbal et al. reference and the Asano reference, the Omata reference is concerned with the completely different and unrelated problem of providing a housing device that allows a remote control unit to be smoothly projected from the housing

simply by a push applied to the front surface of the remote control unit and that also securely locks the remote control unit into the housing unit simply by a pushing force being applied anywhere upon the front face of the remote control unit. (Col. 1, lines 42 - 48).

One of ordinary skill in the art who was concerned with either the problem of providing a high torque damper device that is capable of providing variable amounts of torque as the Nedbal et al. reference is concerned or the problem of providing a storing device having a safety function without requiring an independent part which is exclusively provided for that purpose for which the Asano reference is concerned would not have referred to the Omata reference, and vice-versa, because the Omata reference is concerned with the completely different and unrelated problem of providing a housing device that allows a remote control unit to be smoothly projected from the housing simply by a push applied to the front surface of the remote control unit and that also securely locks the remote control unit into the housing unit simply by a pushing force being applied anywhere upon the front face of the remote control unit.

Thus, these references would not have been combined.

Lastly, regarding the means plus function recitations, the Examiner has failed to interpret the claims to read only on the structures or materials disclosed in the specification and "equivalents thereof." The Federal Circuit has made it clear that the Office is required to interpret means plus function language in accordance with 35 U.S.C. § 112, sixth paragraph (see M.P.E.P. §2106; *In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994) and *In re Alappat,* 33 F.3d 1526, 1540 (Fed. Cir. 1994)). Clearly, the Examiner has failed to interpret the claims to read only on the structures or materials disclosed by the present specification and "equivalents thereof."

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-6 and 10.

B. The Nedbal et al. reference in view of the Asano reference and further in view of the Omata reference and yet further in view of the Arakawa reference

Regarding the rejection of claims 7-9 and 11-14, the Examiner alleges that the Asano reference would have been combined with the Nedbal et al. reference and further alleges that the Omata reference would have been combined with the Nedbal et al. reference and the Asano reference and yet further alleges that the Arakawa reference would have been combined with a combination of the Nedbal et al. reference, the Asano reference and the Omata reference to form the claimed invention. Applicants submit, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion. These features are important for reducing the number of assembly steps, reducing the number of component parts, and enabling the heart cam and damper unit to be made compact and lightweight.

As explained above, not only does the Examiner fail to provide a *prima facie* case of obviousness, but none of the Nedbal et al. reference, the Asano reference, and the Omata reference teach or suggest the features of the claimed invention.

The Arakawa reference does not remedy the deficiencies of the Nedbal et al. reference, the Asano reference, and the Omata reference.

Indeed, the Examiner does not allege that the Arakawa reference teaches or suggests the features of the claimed invention including a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion.

Indeed, the Arakawa reference clearly does not even teach or suggest a heart cam, let alone a heart cam member which is rotatably fitted around an outer periphery of an outwardly located one of the fixed cylindrical portion and the movable cylindrical portion.

Further, Applicants submit that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

In stark contrast to the Nedbal et al. reference, the Asano reference and the Omata reference, the Arakawa reference is concerned with the completely different and unrelated problem of a reducing the number of components and the assembly time for a rotary damper. (Col. 1, lines 48 - 55).

One of ordinary skill in the art who was concerned with either the problem of providing a high torque damper device that is capable of providing variable amounts of torque as the Nedbal et al. reference is concerned, the problem of providing a storing device having a safety function without requiring an independent part which is exclusively provided for that purpose for which the Asano reference is concerned, or the problem of providing a housing device that allows a remote control unit to be smoothly projected from the housing simply by a push applied to the front surface of the remote control unit and that also securely

locks the remote control unit into the housing unit simply by a pushing force being applied anywhere upon the front face of the remote control unit for which the Omata reference is concerned would not have referred to the Arakawa reference, and vice-versa, because the Arakawa reference is concerned with the completely different and unrelated problem of reducing the number of components and the assembly time for a rotary damper.

Thus, these references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 7-9 and 11-14.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/8/05

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